

# SPIEGEL & McDIARMID LLP

GEORGE SPIEGEL (1919-1997)  
ROBERT C. McDIARMID  
ROBERT A. JABLON  
JAMES N. HORWOOD  
FRANCES E. FRANCIS  
DANIEL I. DAVIDSON  
THOMAS C. TRAUGER  
JOHN J. CORBETT  
CYNTHIA S. BOGORAD  
SCOTT H. STRAUSS  
LISA G. DOWDEN  
PETER J. HOPKINS  
DAVID E. POMPER  
WILLIAM S. HUANG  
PABLO O. NÜESCH  
TILLMAN L. LAY  
LARISSA A. SHAMRAJ

1333 NEW HAMPSHIRE AVENUE, NW  
WASHINGTON, DC 20036

WWW.SPIEGELMCD.COM

Telephone 202.879.4000  
Facsimile 202.393.2866  
EMAIL INFO@SPIEGELMCD.COM

Direct Dial 202.879.4022  
EMAIL TIM.LAY@SPIEGELMCD.COM

ASSOCIATES  
STEPHEN C. PEARSON  
ELAINE C. LIPPMANN  
J.S. GEBHART  
REBECCA J. BALDWIN  
SHARON COLEMAN  
KATHARINE M. MAPES\*  
\*MEMBER OF OREGON BAR ONLY

OF COUNSEL  
MARGARET A. McGOLDRICK  
MEG MEISER  
JEFFREY A. SCHWARZ  
BARRY M. SMOLER  
GLORIA TRISTANI  
LEE C. WHITE

September 25, 2009

*Via Electronic Comment Filing System*

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

RE: CTIA Petition for Declaratory Ruling to Clarify Provisions of Section 337(c)(7)(B),  
WT Docket No. 08-165, and Petition of the City of San Antonio, Texas, for Waiver  
of the Commission's Rules to Deploy a 700 MHz Public Safety Interoperable  
Broadband Network, PS Docket No. 06-229

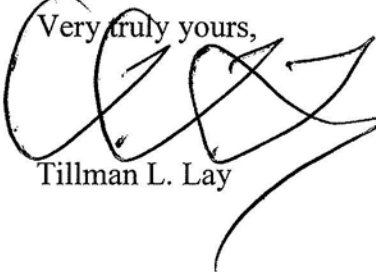
Dear Ms. Dortch:

Pursuant to Section 1.206 of the Commission's rules, this *ex parte* notice is filed on behalf of the City of San Antonio, Texas ("City"). On September 24, 2009, Hugh Miller, the City's Chief Technology Officer, and Gloria Tristani and the undersigned, of Spiegel & McDiarmid LLP and counsel to the City, met with Erin A. McGrath, Acting Legal Advisor to Commissioner Meredith Atwell Baker to discuss both of the above-referenced proceedings. We discussed the issues raised in the City's Opposition and Reply Comments filed in response to CTIA's Petition in WT Docket No. 08-165, and the City's Waiver Petition filed in PS Docket No. 06-229.

Attached to this letter are written materials distributed and discussed at the meeting. As requested by Ms. McGrath, also attached is the portion of the Conference Report to the Telecommunications Act of 1996 that discusses § 704 of that Act, which is codified at 47 U.S.C. § 332(c)(7). H.R. Confer. Rep. No. 458, 104<sup>th</sup> Cong., 2d Sess. at 207-09 (1996), *reprinted in* 1996 U.S.C.C.A.N. 124, 221-23.

Ms. Marlene H. Dortch  
Page 2  
September 25, 2009

If there are any questions, please feel free to contact the undersigned.

Very truly yours,  
  
Tillman L. Lay

Attachments

cc: Erin A. McGrath (Erin.McGrath@fcc.gov)